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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/666,823	09/17/2003	Blaise L. Corbett	84382 8914		
7590 01/18/2005		EXAMINER			
Matthew J. Bussan, Esq.			NGUYEN, TAI T		
NSWCDD (XDC1) Dahlgren, VA 22448-5100			ART UNIT	PAPER NUMBER	
			2632		
			DATE MAILED: 01/18/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 17 September 2003. 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1_21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 ☐ Claim(s) 3_9,20 and 21 is/are allowed. 6 ☐ Claim(s) 1_and 10 is/are rejected. 7 ☐ Claim(s) 1_and 10 is/are rejected. 7 ☐ Claim(s) 2_7 and 11-19 is/are objected to. 8 ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9 ☐ The specification is objected to by the Examiner. 10 ☐ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) ☐ Notice of Dratsperson's Patent Drawing Review (PTO-948) PTO-1520			Applicati	on No.	Applicant(s)	-			
Tail T. Nguyen — The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified shore is less than thirty (30) days, a reply within the statutory reinterium of thirty (30) days, will be considered energy. If the period for reply specified shore is less than thirty (30) days, a reply with the statutory reinterium of thirty (30) days, will be considered energy. If the period for reply specified shore is less than thirty (30) days, and the STATUTORY PERIOD of the statutory period will appear and will be considered energy. If the period for reply specified shore is less than thirty (30) days, will be considered energy and the statutory reply received by the Office Island this communication. If the period for reply specified and the statutory period will appear and will be considered energy reply reduced the statutory reply reduced any reply reduced a	Office Action Summary		10/666,8	23	CORBETT ET AL.				
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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the power source must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

2. The disclosure is objected to because of the following informalities: the specification fails to disclose "power source" as claimed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8, 10, and 20, applicant is required to clarify what intended by "not including a microprocessor". It appears that figures 1-2 include microprocessor in the form of a logic circuit.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender (US 2002/0149484).

Regarding claim 1, Carrender discloses a far-field RFID tag (53, figure 3) responsive to a plurality of continuous wave, unmodified signals selected from frequencies comprising a predetermined frequency band, the RFID tag including a power source (58, paragraphs 17-19 and 21).

Regarding claim 10, the claimed method steps would have been inherent in the product structure as stated in claim 1 above.

Allowable Subject Matter

- 7. Claims 8-9 and 20-21 are allowed.
- 8. Claims 2-7 and 11-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steele et al. (US 6,765,476).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm...

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tai T. Nguyen Examiner Art Unit 2632

January 13, 2005